

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

-  
WRIT PETITION No.26158 OF 2007

Date: 14.12.2007

Between:

Kunarapu Rajaiah and others

...Petitioners

AND

Government of Andhra Pradesh and others

...Respondents

-  
-

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.26158 OF 2007**

**ORDER:**

This writ petition is filed for a writ of mandamus to declare notification, dated 13.10.2007 and published in District Gazette on 15.10.2007 where under the lands belonging to the petitioners are sought to be acquired, as illegal and arbitrary.

Heard Sri E.Venkat Reddy, learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

The only grievance expressed by the petitioners in their affidavit and the learned counsel at the hearing is that though notice was issued under Section 5A of the Act indicating 01.11.2007 as the date on which the enquiry was scheduled to be held at Nookapalli Village, no such enquiry was held and that without holding any enquiry, the respondents are seeking to proceed further with the acquisition proposals.

Learned Assistant Government Pleader for Land Acquisition, on instructions, says that the enquiry proposed to be held on 01.11.2007 could not be held on account of pre-occupation of Land Acquisition Officer and that a fresh notice was issued on 01.12.2007 fixing 16.12.2007 as the date of enquiry. He further submitted that if the petitioners are present during the enquiry, they will be heard personally before sending the report by Land Acquisition Officer to District Collector.

In view of the said statement of the learned Assistant

Government Pleader for Land Acquisition, the writ petition is disposed of with the direction to respondent No.2 to afford an opportunity of personal hearing to the petitioners during the enquiry proposed to be held on 16.12.2007 before proceeding further with the proposed acquisition.

**C.V.NAGARJUNA REDDY, J**

14<sup>th</sup> DECEMBER, 2007

***kvni***